



No Child Left Behind:

Expanding Parental Choice in Education

**Prepared by the Republican Staff of the
U.S. House Committee on Education & the Workforce
John Boehner, Chairman**

Executive Summary

One of the key components of President Bush's education plan is expanding parental choice -- giving parents the ability to make choices to ensure that their children receive the best education possible. The testing provisions in the President's plan will empower parents with data about the performance of their children's schools and the education their children are receiving. But parents also must be able to do something with that data -- particularly when a child is trapped in a failing or dangerous school that refuses to change.

The conference report to H.R. 1 provides new options to parents and represents a significant breakthrough on the road to equal educational opportunity in America. Under the agreement, Title I funds will, for the first time ever, help parents with children in failing schools obtain supplemental educational services -- including tutoring, after-school services, and summer school programs. Private, church-related, and religiously affiliated providers will be among those eligible to provide supplemental services to disadvantaged students.

Parents with children in schools and school districts already identified as failing under the terms of the 1994 Elementary and Secondary Education Act (ESEA) authorization will have immediate access to supplemental services. This will address concerns about possible delays to helping children trapped in chronically failing schools.

A new analysis suggests that students at nearly 3,000 underachieving public schools nationwide will be eligible for new options under the supplemental services provision during the first school year following enactment of the bill (2002-03). Moreover, it suggests that students at 6,729 schools will be eligible for immediate public school choice.

“Given that Title I portability has never previously done well in Congress, this is a significant step forward.”

-- School choice advocate Clint Bolick of the Institute for Justice, commenting on the supplemental educational services provision in the House-passed H.R. 1.

New Report Shows How Conference Agreement Expands Parental Choice

Based on responses from 30 states and Puerto Rico, a new analysis shows the following key findings (13 states either don't have the data available yet or do not have a system approved to provide this data; seven states and the District of Columbia did not respond to the survey):

Children in Nearly 3,000 Schools Become Immediately Eligible for Supplementary Services

The conference agreement allows Title I funds to be used for supplemental educational services – including tutoring, after-school services, and summer school programs – for children in failing schools. Based on this new analysis, students in 2,858 schools around the country will be immediately eligible for supplementary services. Private, church-related, and religiously affiliated providers will be among those eligible to provide supplemental services to disadvantaged students. For the first time ever, federal Title I funds will be permitted to flow to private, faith-based educational providers.

For example, under the conference agreement, students at 812 schools in the state of California will become eligible for supplementary educational services. Moreover, children in 422 schools in Massachusetts, 352 schools in Missouri, 226 schools in Arizona, 209 schools in

Wisconsin, and 183 schools in Pennsylvania will also become immediately eligible for tutoring, after-school services, or other programs to supplement their regular education.

More than 6,700 Schools Become Eligible for Immediate Public School Choice

Under the conference agreement, parents with children in failing schools will also be given public school choice, including the right to choose a better-performing charter school, as soon as a school is identified as failing. In addition, a student who is a victim of a crime, or attends a public school designated by the state as unsafe, will be permitted to transfer to a safe public school. Such students will be given this option in federal law for the first time ever. Based on this new analysis, students in 6,729 schools will be eligible for immediate public school choice.

For example, under the conference agreement, students at 1,295 schools in the state of California will become eligible for immediate public school choice. Moreover, children in 971 schools in Georgia, 674 schools in Massachusetts, 597 schools in Missouri, 464 schools in Puerto Rico, 330 schools in Tennessee, 287 schools in Pennsylvania, 207 schools in Arkansas, 190 schools in Louisiana, and 147 schools in Colorado will also become immediately to transfer to a better-performing public school of their choice.

State and Local Choice Programs Pave Way for Federal Efforts to Expand Parental Options

States and localities have been the leaders around the country in establishing choice programs that promote parental involvement. Currently, two localities -- the cities of Milwaukee

and Cleveland -- have choice programs involving private (including religiously affiliated) schools for a limited number of pupils from low-income families.

In addition to these two local programs, in 1999 Florida lawmakers adopted the “A+ Plan for Education,” which established a rigorous accountability system and authorized choice scholarships to parents to pay either private school tuition or the costs of enrolling in another public school one if their child’s public school is identified as failing. The most recent grade reports on Florida schools highlights significant improvements in the state between 1999 and 2000, especially in lower grades, showing that rigorous accountability measures can be a strong incentive for schools to improve.

In addition, Florida is implementing a separate scholarship program for students with disabilities, under which pupils with disabilities may receive a voucher to attend a public or private school of their family’s choice. The amount of the scholarship depends on the nature of the student’s disability. Initiated in 1999-2000, this option was made available previously only to students who were not meeting the goals established in their individualized educational program; approximately 1,000 students participated in 2000-2001. However, it is now open to all disabled students who attend Florida public schools, and according to *Education Daily*, approximately 3,800 students are participating in the 2001-2002 school year (*Education Daily*, September 10, 2001).

Finally, there are also *privately funded* programs that provide scholarships for students to attend private schools. For example, the state of Arizona provides tax credits for contributions to organizations that provide scholarships to students to meet the costs of private school attendance.

Current Federal Choice Programs

The tax relief package that President Bush signed into law earlier this year lets parents invest up to \$2,000 a year in education savings accounts (ESAs), allowing tax-free withdrawals for both college tuition *and* elementary and secondary education. ESAs allow parents to save money for items such as computers, tutors, and books -- without paying taxes on interest that the accounts earn. This marks the *first time* the federal government will provide funding for students in private K-12 schools and it offers parents a significant new choice in deciding what's best for their children's education.

In a limited fashion, the federal government currently supports school choice efforts in other areas. For example, the *Public Charter Schools* program provides federal assistance for charter school start-up costs. Charter schools are a relatively new kind of public school that is free from many of the complex regulations that often constrain school success. In exchange, there are strict measures in place to hold charter schools accountable for student results. Currently, 37 states, the District of Columbia, and Puerto Rico have charter school laws. The program requires that all students in the community served by a charter school be given an equal opportunity to attend.

In addition, a current example of supplemental services choice exists in the *Tutorial Assistance Grant* (TAG) provisions of the *Reading Excellence Act* (REA). Under the REA, participating states generally must make at least one TAG award, using up to 15 percent of their REA funds. Local educational agencies receiving these grants must offer parents of participating pupils a choice among multiple service providers.

Summary Of Conference Report Agreement Provisions on Supplemental Services and Public School Choice

- ❑ Under the conference agreement, Title I funds will, for the first time ever, be used to allow parents with children in failing schools to obtain supplemental educational services – including tutoring, after-school services, and summer school programs.
- ❑ Private, church-related and religiously affiliated providers will be among those eligible to provide supplemental services to disadvantaged students. For the first time ever, federal Title I funds will be permitted to flow to private, faith-based educational providers.
- ❑ Schools and school districts already identified as failing under the terms of the 1994 Elementary and Secondary Education Act authorization will be immediately subject to the corrective actions provided under the bill. This will address concerns about possible extended delays in helping children who have been in failing schools for years. An analysis suggests students at more than 3,000 underachieving public schools nationwide will be eligible for new options under the supplemental services provision during the first school year following enactment of the bill (2002-03).
- ❑ Parents with children in failing schools will also be given public school choice, including the right to choose a better-performing charter school, as soon as a school is identified as failing.

- ❑ In addition, a student who is a victim of a crime, or attends a public school designated by the state as unsafe, will be permitted to transfer to a safe public school. Such students will be given this option in federal law for the first time ever.
- ❑ Twenty percent of Title I funds at the local school district level must be used for public school choice and supplemental services.
- ❑ If a state already pays for public school choice, the state will be permitted to use its public school choice funds to help children obtain additional supplemental services.
- ❑ Conferees have already ratified provisions for Indian Education programs within the Bureau of Indian Affairs that will allow parents to choose which BIA-funded school their children will attend.

“The No Child Left Behind program passed through the House will expand public school choice and charter school options for parents, and will make it possible for children in failing schools to receive supplemental services (such as remedial education) from private providers and private schools.”

-- Children First America, one of the nation’s top school choice organizations, in a June statement hailing House passage of H.R. 1.

Conclusion

The conference report to H.R. 1 provides new options to parents and represents a significant breakthrough on the road to equal educational opportunity in America. The bipartisan agreement means new choices for millions of low-income parents in disadvantaged communities where children are routinely denied the opportunity to receive a quality education. It helps give

low-income parents some of the options that more affluent parents already have when their child's public schools do not teach and do not change.

These changes represent a significant departure from the status quo and will empower low-income parents with new options and new choices. They represent an important step toward equal educational opportunity in America -- but not by any means the final step. Congress has laid the groundwork for future reforms that go even further for parents and children.

Expanding Parental Choice in Education

Title I survey of 50 States, Puerto Rico and District of Columbia

States	Number of Schools with Students Eligible for Supplementary Services	Number of Schools with Students Eligible for Public School Choice	Notes
Alaska	11	13	
Alabama	41	64	
Arkansas	0	207	
Arizona	226	346	
California	812	1295	
Colorado	9	156	
Connecticut	0	28	In second year of new system started during last school year
District of Columbia			Did Not Respond
Delaware			Results will be ready Spring 2002
Florida	0	0	
Georgia	0	971	
Hawaii	0	89	
Iowa	0	25	
Idaho			Did Not Respond
Illinois			Did Not Respond
Indiana	144	194	
Kansas			Results will be available December 1, 2001
Kentucky			KY identifies schools on biennial basis-next identification in fall 2002
Louisiana	0	190	LA identifies schools on biennial basis-this is second year of cycle
Massachusetts	422	674	
Maryland	74	113	
Maine			Results available January 2002
Michigan			Information not yet available for release
Minnesota			Did Not Respond
Missouri	352	597	** Complete numbers not yet available
Mississippi	51	121	Number of schools in corrective action schools not yet identified
Montana			Did Not Respond
North Carolina	10	23	
North Dakota	25	25	
Nebraska			Results expected December 2001
New Hampshire			Results expected available mid-November 2001
New Jersey			Results expected available January 2002
New Mexico	37	70	
Nevada	14	34	
New York			Results expected available April 2002
Ohio			Results expected available November 2001
Oklahoma	3	38	
Oregon			Results expected available January 2002
Pennsylvania	183	287	
Puerto Rico	210	464	
Rhode Island			Results expected available November 2001
South Carolina			Did Not Respond
South Dakota	1	10	
Tennessee	0	330	
Texas		77	77 total schools, state does not have breakdown yet
Utah	3	20	
Virginia			Did Not Respond
Vermont			Results available after 2001-02 school year
Washington	21	59	
Wisconsin	209	209	
West Virginia			Results expected December 2001
Wyoming			Results expected December 2001
TOTAL	2,858	6,729	

Source: Education Department. Survey based on responses from 30 states and Puerto Rico

(13 states either don't have the data available yet or do not have a system approved to provide this data; seven states and the District of Columbia did not respond to the survey)